

5 69. (Amended) A non-volatile memory circuit as recited in claim 67 further including a respective complementary memory cell [for] associated with each memory cell of said plurality of memory cells, wherein [the] an output of the corresponding complementary memory cell for each of said plurality of memory cells wherein the output of the corresponding complementary memory cell is transferred [through] by a bit line to provide [said] a reference signal to the second input of the corresponding sense amplifier.

#### REMARKS

The Office Action dated February 7, 1991, has been reviewed. The captioned application has been reviewed and corrections have been made to the specification.

The Examiner notes that the captioned continuation patent application is a continuation of Serial No. 07/440,434 filed October 20, 1989. While the Request for Filing a Continuation initially filed with this case indicates that the previous continuation was filed October 20, 1989, such prior application was indeed accorded a filing date of November 20, 1989.

#### Rejection Under 35 U.S.C. § 112

The Examiner has rejected Claims 61-66 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The rejected claims have been amended to provide antecedent basis and to clarify the subject matter claimed. It is therefore believed that the amended claims now particularly point out and distinctly claim the invention.

Rejection Under 35 U.S.C. § 102(e)

Claims 61-74 are rejected under 35 U.S.C. § 102(e) as being anticipated by the Eaton, Jr. '664 patent. The Examiner states that since the effective filing date of the captioned application is more than three months after the effective date of the filing date of the Eaton, Jr. patent application, the provisions of 37 CFR 1.608(b) must be complied with. Accordingly, enclosed are declarations by the joint inventors of the invention, Joseph T. Evans, Jr., Richard H. Womack and William D. Miller, as well as declarations by Leo N. Chapin and Dale B. Nixon, Esq., an attorney involved in the preparation of the parent patent application for Krysalis Corporation. Krysalis Corporation is a former assignee of the captioned patent application.

The Eaton, Jr. patent, U.S. Pat. No. 4,873,664, with which an interference with the captioned application is requested, was filed February 12, 1987. The declarations and exhibits submitted herewith constitute evidence which establishes priority of Applicants' invention before the Eaton, Jr. patent filing date. More particularly, the evidence establishes conception of Applicants' invention well before the Eaton, Jr. patent filing date and diligence on the part of Applicants and those under Applicants control and supervision until the invention was constructively reduced to practice by the filing of Applicants' parent application on June 2, 1987. The critical time period is therefore between February 12, 1987, and June 2, 1987.


Enclosed also is an "Explanation Under Rule 1.608(b)" which explains the basis upon which the Applicants are prima facie entitled to the declaration of an interference.

Enclosed also are formalized drawings having proper-sized paper. Because this case is a continuation of a prior file wrapper continuation, Fig. 17 is also included as it was added by way of amendment in the original patent application.

Enclosed is a check in the amount of \$300.00 to cover the fee for extending the time to respond to the Office Action by two months. Any additional fees for the proper filing of this response, including any additional extension fees necessary under Rule 1.136, should be withdrawn from Richards, Medlock & Andrews Deposit Account No. 18-1260.

Respectfully submitted,

RICHARDS MEDLOCK & ANDREWS

By   
Roger N. Chauza  
Registration No. 29,753

RNC:mw  
July 5, 1991  
4500 Renaissance Tower  
1201 Elm Street  
Dallas, Texas 75270-2197  
(214) 939-4504